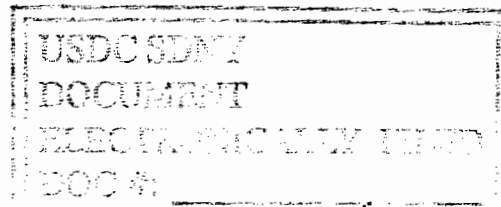


PAULEY, J.

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Attorney for Plaintiff



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JACK ODINSKY,

Plaintiff,

Index No. 05-CV-8726 (WHP)

-against-

WALDBAUM, INC., a New York corporation, and
THE GREAT ATLANTIC & PACIFIC TEA CO., a
Maryland corporation.

STIPULATION TO DISMISS

FED. R. CIV. P. 41(a)(1)(ii)

Defendants.
-----X

Pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1)(ii), all parties appearing in this action, by their attorneys, stipulate that the above-entitled civil action be dismissed, without prejudice. Defendants agree to waive all costs.

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MICHAEL A. SISKIN

DATED: 5/26/06

BY:

DOUGLAS P. CATALANO DC(19719)

DATED: 5/26/2006

SO ORDERED: May 30, 2006

WILLIAM H. PAULEY III U.S.D.J.

SO ORDERED:

U.S.D.J.

